REMARKS/ARGUMENTS

Claims 1-12, 14-26, and 28-38 are currently pending in the application. Claims 1-12 and 14-26, and 28-38 are rejected. Claims 14, 28, 29, and 35 have been amended. No new matter has been added.

Section 103 Rejection

Claims 1-12, 14-26, and 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen (U.S. Patent Application Publication No. 20020142846) in view of Lark et al. (U.S. Patent Application Publication No. 2002/0142825), referred to herein as Lark. This rejection is respectfully traversed.

Neither Paulsen nor Lark, considered alone or in combination, describe or suggest a gaming system as recited in claim 1. For example, neither Paulsen nor Lark, considered alone or in combination, describe or suggest the network server controller being programmed to "select a game from said plurality of available games by comparing said preferences of said first player to said game characteristics of said plurality of available games and by comparing said first player preferences with a set of preferences of a second player".

The Examiner agrees that "Paulson does not disclose selecting an available game by comparing said first player preferences to preference of a second player" (Office Action, page 3). The Office Action further describes, on page 3, that Lark "discloses selecting an available game by comparing said first player preferences to preferences of a second player (*paragraph [0124]*)" (Emphasis added).

Paragraph 124 of Lark describes:

> *In 725, the preference account server may send the requested preference account information to the external device requesting the preference account information.* For instance, the requested information may be a summary of a player's loyalty point account over a certain time period. While the player is using the preference account interface hosted by the preference account server, a player may make multiple requests for preference account information via the preference account interface. Thus, 700, 704, 706, 720 and 725 may repeated a plurality of times by the same player during a single session of using the interface, over multiple different sessions by the same player and over multiple sessions by different players. A single session may defined as the time period between when a user is granted access to a preference account, such as by entering player identification information, and when a player's access to the preference account is terminated. *Thus, a*

> *second subsequent session to a first session begins after a player's*
> *access has been terminated in the first session and a new access to*
> *a player, which may be the same or a different player than in the*
> *first session, has been granted in the second session.*

(Emphasis added)

At best, Lark describes, in paragraph 124, that the second session begins after the first session and an access is granted to the second session to a player that may be the same or different than a player using the first session. Lark also describes, in paragraph 124, that the preference account server may send the requested preference account information to the external device requesting the preference account information. For instance, the requested information may be a summary of a player's loyalty point account over a certain time period. *There is no mention of the word 'game' in paragraph 124 of Lark.* Accordingly, there is no description or suggestion in paragraph 124 of Lark of a selection "of a *game* from said plurality of available games" as recited in claim 1.

Moreover, there is no description or suggestion in paragraph 124 of Lark of "*comparing* said first player preferences with a set of preferences of a second player" as recited in claim 1. Rather, paragraph 124 of Lark describes that a player may use the second session and the player may be different than a player using the first session. There is no *comparison* described or suggested in paragraph 124 of Lark. There are two players described in Lark but there is no description or even a suggestion of the comparison of the first player preferences with a set of preferences of a second player as recited in claim 1.

Further, paragraph 124 of Lark refers to reference numerals "700, 704, 706, 720, and 725", which are described in paragraphs 120-123 of Lark. Paragraphs 120-123 refer to Figure 7 of Lark. Figure 7 and paragraphs 120-123 of Lark are described:
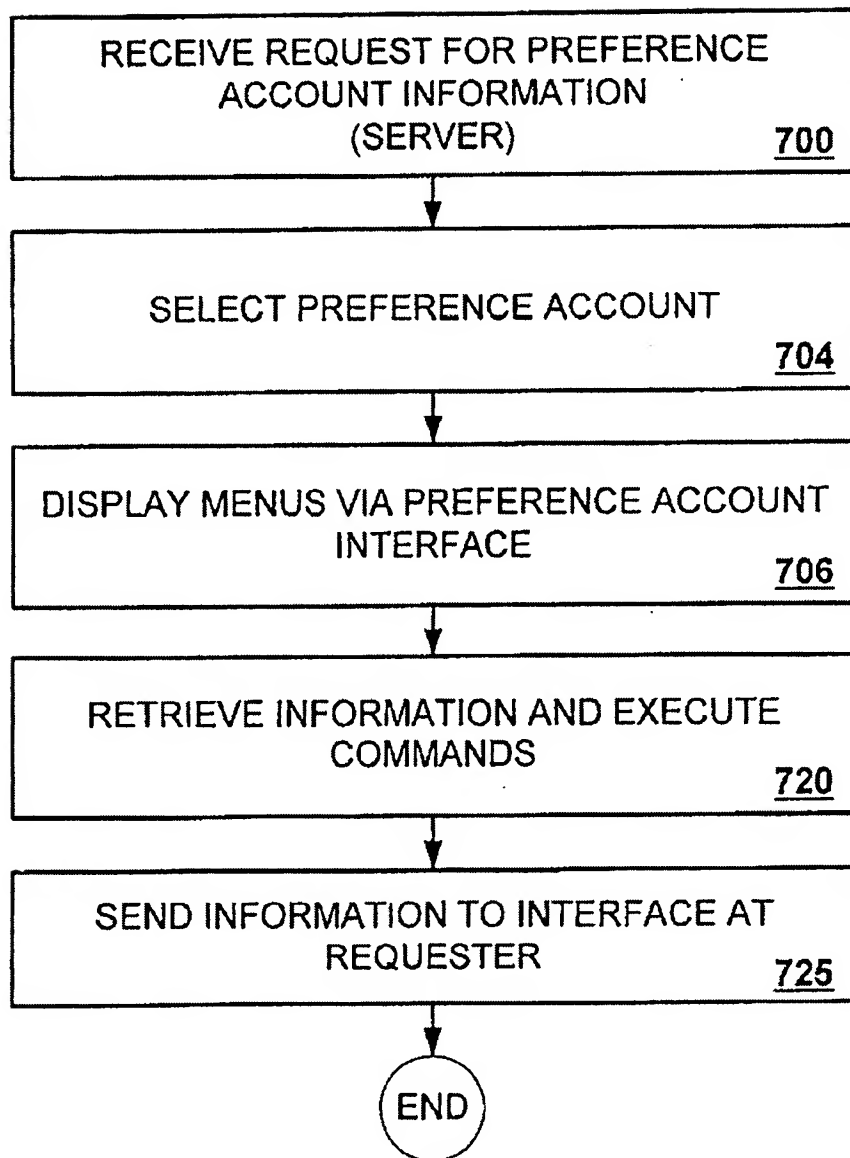
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┌─────────────────────────────────────────┐
│      RECEIVE REQUEST FOR PREFERENCE      │
│          ACCOUNT INFORMATION             │
│             (SERVER)          700        │
└─────────────────────────────────────────┘
                    │
                    ▼
┌─────────────────────────────────────────┐
│      SELECT PREFERENCE ACCOUNT           │
│                               704        │
└─────────────────────────────────────────┘
                    │
                    ▼
┌─────────────────────────────────────────┐
│  DISPLAY MENUS VIA PREFERENCE ACCOUNT    │
│              INTERFACE                   │
│                               706        │
└─────────────────────────────────────────┘
                    │
                    ▼
┌─────────────────────────────────────────┐
│    RETRIEVE INFORMATION AND EXECUTE      │
│              COMMANDS                     │
│                               720        │
└─────────────────────────────────────────┘
                    │
                    ▼
┌─────────────────────────────────────────┐
│   SEND INFORMATION TO INTERFACE AT       │
│             REQUESTER                     │
│                               725        │
└─────────────────────────────────────────┘
                    │
                    ▼
                 ( END )
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FIGURE 7

FIG. 7 is a flow chart depicting an implementation of a preference account methodology on a preference account server for one embodiment of the present invention. *In 700, a preference account server, which may be a device separate from a gaming machine or a gaming machine with server capabilities, may receive a request for preference account information.* The request for preference account information may be made from a number of different devices external to the preference account server such as a gaming machine, a home computer, a casino kiosk, a personal digital assistant, a phone and a video display interface. In some embodiments, the video display interface may be located in a hotel room or a restaurant.

In 704, the preference account server may select a particular preference account using player identification information supplied to the preference account server by the requesting external device. The identification information may include but is not limited to biometric information, alpha-numeric input codes, a player's name, a player's account number and combinations thereof. The player identification information may be used to authenticate the request for preference account information.

In 706, one or more menus may be displayed to a preference account interface used by the external device by the preference account server. The menus may allow a user of the preference account interface to view and modify preference account information stored on the preference account server. In some embodiments, the preference account interface may be accessed via a web browser.

In 720, the preference account server may retrieve preference account information and execute commands operating on preference account information that are available through the one or more preference account interfaces (e.g. see FIGS. 1A and 1B). For instance, *the commands may allow a user of the preference account interface to add, delete and store preference account information on the preference account server. As another example, a user of the interface may be able to simulate one or more game presentations, including audio and video effects, from one or more games such as video poker games, video slot games, video black jack games, video pachinko games, video card games and video games of chance. The game presentations may be modified according to one or more preference options selected by the player. The game presentations simulated via the interface may allow a player to assess how various selected preference options will affect their game playing experience.*

(Emphasis added)

Paragraphs 120-123 of Lark describe that the preference account serves may receive a

request for preference account information (700) and may select a particular preference account using player identification information supplied to the preference account server by the requesting external device (704). The paragraphs 120-123 further describe that one or more menus may be displayed to a preference account interface used by the external device by the preference account server (706). Paragraph 124 describes that the preference account server may send the requested preference account information to the external device requesting the preference account information (725). Accordingly, none of paragraphs 120-123 describe or suggest the *comparison* as recited in claim 1. Hence, there is no description, in paragraphs 120-123 of Lark, of the *comparison* of the first player preferences with a set of preferences of a second player.

Further, paragraph 123 of Lark describes that "the commands may allow *a user* of the preference account interface to add, delete and store preference account information on the preference account server. As another example, *a user* of the interface may be able to simulate one or more game presentations, including audio and video effects, from one or more games such as video poker games, video slot games, video black jack games, video pachinko games, video card games and video games of chance. The game presentations may be modified according to one or more preference options selected by *the player*. The game presentations simulated via the interface may allow *a player* to assess how various selected preference options will affect their game playing experienc*e*." Accordingly, paragraph 123 of Lark describes a *single* user or a *single* player. There is no description in paragraph 123 of Lark of the *first and second players* as recited in claim 1. Hence, there is no description in Lark of the *first player* preferences and a set of preferences of the *second player*, of claim 1, in selecting a game from a plurality of available games. Thus, neither Lark nor Paulsen, considered alone or in combination, describe or suggest use of *first player* preferences and a set of preferences of the *second player*, of claim 1, in selecting a game from a plurality of available games.

For at least the reasons set forth above, Applicants respectfully request that claim 1 is patentable over Paulsen in view of Lark.

Further, neither Paulsen nor Lark, considered alone or in combination, describe or suggest a gaming apparatus as recited in claim 9. For example, neither Paulsen nor Lark, considered alone or in combination, describe or suggest a controller being programmed to "select a game from said plurality of available games by comparing said preferences of said first player to said *game* characteristics of said plurality of available games and by *comparing* said first

player preferences with a player type of a second player". Hence, claim 9 is patentable over Paulsen in view of Lark.

Moreover, neither Paulsen nor Lark, considered alone or in combination, describe or suggest a gaming apparatus as recited in claim 22. For example, neither Paulsen nor Lark, considered alone or in combination, describe or suggest a controller being programmed to "select a game characteristic from a plurality of game characteristics associated with a plurality of available games, *based upon said first player preferences and based upon a demographic of a second player*, to provide a game characteristic selection comprising said selected game characteristic". Rather, as explained in the response filed on July 22, 2008 in the current patent application, Paulsen describes that *a player* may "select a preferred game that *the player* likes to play on a gaming machine" (paragraph 43). Further, as explained above, there is no description in paragraph 123 of Lark of the *first and second players*. Accordingly, neither Lark nor Paulsen, considered alone or in combination, describe or suggest the use of preferences of the *first player* and of the demographic of the *second player* in selecting a game characteristic from a plurality of game characteristics as recited in claim 22. Hence, for at least the reasons set forth above, claim 22 is patentable over Paulsen in view of Lark.

Additionally, neither Paulsen nor Lark, considered alone or in combination, describe or suggest a gaming method as recited in claim 33. For example, for at least the same reasons set forth above, neither Paulsen nor Lark, considered alone or in combination, describe or suggest "selecting a game from a plurality of available games *based upon said first player preferences and based upon a demographic of a second player* to provide a game selection". Hence, claim 33 is patentable over Paulsen in view of Lark.

The various dependent claims are respectfully submitted to be patentable over the art of record for at least the same reasons as set forth above with respect to their associated independent claims. Furthermore, these dependent claims recite additional features that when considered in the context of the claimed invention, further patentably distinguish the art of record. Accordingly, for at least the reasons set forth above, claims 1-12, 14-26, and 28-38 are patentable over Paulsen in view of Lark.

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 663-1100.

Respectfully submitted,

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